

NATIONAL RESTAURANT ASSOCIATION

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Monday, April 19, 1999

Dockets Management Branch (HFA-305) Food and Drug Administration Department of Health and Human Services 5630 Fishers Lanc Room 1061 Rockyille, MD 20852

To Whom It May Concern:

On behalf of the Alabama Restaurant Association and our one thousand members throughout the state, I am writing today in strong opposition to proposed rules that would eliminate consumer choice of raw shellfish products harvested in many parts of the country and sold to restaurants and retailers nationwide. As you can see from the enclosed, one of our Chapters has already approved a resolution urging you to reject these costly and unnecessary rules and regulations, and our state Board of Directors will be voting on this same resolution at its next regularly scheduled meeting.

These potential rules which you have been asked to consider by a single special interest group, would impose another unnecessary bureaucratic limitation of food products available to consumers. For those restaurants, hotels, clubs and markets which do currently sell raw shellfish, including oysters, clams, and scallops, mandatory post harvest treatment of these products will accomplish only two things.

First, because the cost of this "treatment" is so high per unit, prices to both the restaurant and the end consumer will rise dramatically. Second, demand will drop, hurting both the restaurant owner and the shellfish harvester.

It should also be mentioned that where treated are available beside the traditional raw product, consumers overwhelmingly choose the original raw alternative, rejecting treated oysters as being of poor taste and poor quality. The marketplace should be the ultimate regulator of such issues.

The last five years have seen a dramatic rise in the availability of fresh seafood nationwide. Imposing these costly and unnecessary rules only serve to reverse that trend and deprive those consumers who do enjoy raw shellfish of their right to choose.

Please act responsibly in reviewing this rules request and support the right of consumers to make their own educated choice of treated versus raw product. Protect our industry and the consumer's right to choose by rejecting these rules.

Sincerely.

Lawrence M. Fidel Executive Director

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Mobile Chapter/Alabama Restaurant Association Resolution

WHEREAS.	Oysters and other shellfish are a treasured treat for millions of Americans in
	every state; and

WHEREAS, The American consumer has always enjoyed a fundamental choice between products of all types; and

WHEREAS. Personal responsibility and care for one's own health and well-being are commonly agreed upon tenets of American life; and

WHEREAS. Important emerging technologies are now making it possible for consumers of oysters and other shellfish products to choose between traditional raw shellfish products and "treated" or pasteurized shellfish products in a competitive free market environment, and

WHEREAS, It is widely accepted by all parties involved that "treated" oysters will both fundamentally change the condition of raw shellfish, and that such treatment raises the wholesale price of oysters from the current price of approximately eight cents apiece by another six to eight cents apiece, and

WHEREAS. It is reasonable to expect in a free market economy that these higher prices will then be passed along to the consumer, resulting in lower demand for oysters, and

WHEREAS. America's shellfish industry is heavily populated by small self-employed harvesters and leaseholders already operating on limited incomes, and

WHEREAS. Lower consumer demand could further threaten the small shellfish industry and the livelihoods of thousands of area residents and families who are dependent on oyster harvesting and processing for their own well-being, and

WHEREAS. The U.S. Food and Drug Administration has been asked to consider new rules which would force costly and unnecessary post-harvest treatment of oysters, placing product from our area at a severe competitive disadvantage on the open market against product from other regions which will not be required to be treated in the same expensive manner, and

WHEREAS. America's oyster and shellfish industry has worked cooperatively and with great success to educate consumers with certain health conditions and risks which may be affected by certain types of shellfish, and

WHEREAS. These education efforts have been highly successful in reducing health impacts when they have been allowed to fully flourish, therefore be it

RESOLVED. that a copy of this resolution be forwarded to the U.S. Food and Drug Administration, our Congressional delegation, the Governor and other state elected officials, and

RESOLVED. that the Mobile Chapter of the Alabama Restaurant Association does hereby encourage the U.S. Food and Drug Administration to reject these costly and unnecessary rules and regulations in favor of continuing its successful work with America's shellfish industry toward greater consumer education and awareness, and toward the continuation of a competitive market economy system which has served America's consumers well since the founding of our nation.